

DRAFT

CITY OF LYNCHBURG 2003 LEGISLATIVE AGENDA

PRIORITY ITEMS

The Lynchburg City Council urges Region 2000 legislators to adhere to the following principles as they evaluate and vote on bills and a budget for the 2002 Session:

- **Meet state funding responsibilities to localities, increasing state revenues if necessary.**
- **Oppose legislation that would reduce local revenues, narrow local taxing authority, or add additional costly mandates.**
- **Support a comprehensive overhaul of state-local tax structure and service responsibilities.**
- **Retain local decision-making authority especially in zoning and land use.**

Specific Action Requested

I. Maintain the State fiscal obligations to Localities – Budget Priorities

Many local services and responsibilities are mandated by state law. Both the state and localities have constitutional and statutory responsibility to share costs. Increasingly, the state has shifted more of the costs and responsibility for services to the local level. The City has a high level of mandated service responsibilities and infrastructure costs but is dependent on a limited tax base that has limited capacity for growth. Many cities already have among the highest tax burdens; the state has and continues to reduce local taxing authority. The state should be accountable for funding its service responsibilities and stop shifting costs to localities.

As the 9th most fiscally stressed locality in the state, the City of Lynchburg is not in a financial position to make up state budget cuts and, to the extent practical, does not expect to fill the gap. Filling the gap left by state funding cuts would unfairly stress city property owners and city taxpayers.

State- Local Funding Priorities:

- Education- Basic Aid and at risk programs – 2/3 of state aid to localities
- Comprehensive Services Act
- Social Services – welfare reform and foster care
- HB 599
- Jail, and Juvenile Justice and Detention programs
- Constitutional Officers
- State Reimbursement of Lost Car Tax Revenue to Localities
- State share of Library costs
- Highway Maintenance, Urban construction and Public transportation
- Combined Sewer Overflow

II. Support the First Cities Coalition Agenda- Lynchburg is a member of the Virginia First Cities Coalition, which represents fifteen of Virginia's older fiscally, challenged core cities. These cities forgo millions of dollars in state assistance each year because of an antiquated tax structure, flawed funding formulas and policies that encourage new development over redevelopment. The First Cities Agenda includes the following:

The General Assembly should take action to modernize and restructure the tax system at the state and local level, to distribute the tax burden more equitably and raise state taxes to generate the additional funding required annually to fulfill the State's education, transportation, and human services needs.

III. Enhance Redevelopment in Virginia's older cities.

- 1. Preserve historic and enterprise zone tax credit programs and strengthen incentives for city jobs, commercial and neighborhood redevelopment.**
- 2. Provide a mechanism for city street maintenance payments to grow at least at the same rate as VDOT maintenance payments.**
- 3. Clarify in the State Code the authority of cities to manage urban construction projects.**
- 4. Require all localities to include housing for all income levels in their comprehensive plans.**

City of Lynchburg Positions **2003 General Assembly Session**

State/Local Partnerships

Minimize state budget cuts in local aid. The state should raise the revenue required to meet its fiscal responsibilities in the provision of state/local services, as opposed to continuing to shift costs to local governments and limit local revenues sources.

Virginia rankings among the 50 states:

- 12th in personal income
- 49th in state expenditures (excluding transportation) as a percentage of personal income.
Localities rank 30th as a percent of personal income, augmenting state education funding and other services
- 48th in per person spending
Localities ranked 21st.
- 41st in state spending on K-12 education as a percent of personal income
- Virginia dropped from 41st in state taxes as a percent of personal income in 2000 to 44th in 2001.

Recent state studies have documented significant underfunding of critical services:

- Education shortfall 1 to \$2.95 Billion annually – JLARC study
- Transportation shortfall \$1.5 Billion annually- JLARC study
- Human Services \$400 million- Morris Commission

A. Public Safety

Preserve H.B. 599 funds

Terrorism Response

- Federal first responder funds provided to the state to combat terrorism should be distributed to local fire departments with hazardous materials capabilities as well as police departments, who are the actual first responders. Support legislation exempting police and firefighters from active National Guard duty, to ensure that the local terrorism response capabilities remain strong.

Juvenile Justice

- No further reduction in VJCCCA funding [reduced 51% in FY02]
- Restore VJCCCA funding incrementally as the State financial condition improves
- Identify and support a suitable VJCCCA funding formula that honors historical State and Local partnerships.
- No further reduction to the DJJ State Block Grant to local Juvenile Detention facilities. Funding should be distributed on capacity not utilization.
- Restore State Block Grant to local Detention facilities incrementally as the State financial conditions improve.

Statewide Mandatory Seat Belt Law

- Amend the statewide mandatory seat belt law, allowing police to stop motorist for failure to use seat belts.

B. Human Services

Comprehensive Services Act

- Maintain CSA state funding support. Any additional funds should be applied to the base program rather than the supplemental program and distributed based local costs over several years,. Applying new funding to the base program is a recommendation of the Secretary of Health and Human Resources' draft report on CSA.

Mental Health/Mental Retardation Service Recommendations

- Restore state CSB funding. As Virginia's mental health system becomes more community based, adequate funding for community placement and treatment is critical.

Health Department Lease Costs

- Maintain adequate state funding for public health services in central Virginia.
- Fully fund the state share of the Central Virginia Health Department's building maintenance and lease costs.

Social Services

- Maintain current level of state funding for administration of mandated program and services.
- Support reauthorization of Federal TANF Legislation and work first requirement.

C. Environmental Quality

Combined Sewer Overflow

- Secure commitments from the Administration and General Assembly to urge the Virginia Congressional Delegation to secure a 100% federal earmark for CSO projects in Lynchburg.
- The General Assembly should maintain or increase funding to the Virginia Revolving Loan (VRL) program and earmark these funds for CSO abatement in order to qualify Lynchburg and Richmond for zero interest rates.
- Support funding for capitalization of State Revolving Loan funds for both water and sewer projects.

D. Utilities

Telecommunications

General

- Retain local government authority to levy and collect taxes for enhanced emergency telephone and cellular service, E-911.
- Oppose legislation to further cap or reduce these taxes unless part of an acceptable tax restructuring package.
- Maintain local authority over zoning, land use, rights-of-way and taxation. Limit new state regulation preempting local authority regarding the use and compensation of local rights of way.
- The right of way fee law enacted in 1998 should not be repealed.

SCC Oversight of Local Government Underground Utilities

- Oppose any amendments to the Underground Utilities Damage Prevention Act that would increase reporting requirements for local governments and local utility authorities, or that would increase unnecessary or costly SCC oversight.

E. Transportation

Additional Revenues are needed to meet state and regional transportation needs. The 2001 JLARC study of transportation established the need for additional funding to maintain and expand the streets, highway and public transportation infrastructure.

Street and Highway Funding

- Provide a mechanism to allow city street maintenance payments to grow at least at the same rate as VDOT road maintenance, with accommodations for increased city lane mileage.
- Support Code changes which give cities the flexibility to manage urban construction dollars and projects.
- Support Code changes that increase flexibility of VDOT street standards
- Support legislation and state transportation and land use policy initiatives that encourage city redevelopment and discourage sprawl.

Transportation Needs and Funding Priorities

- **Roads**: Restore Primary funds for projects that were dropped from the six-year plan.
 - Construction of a new interchange at the extension of Oddfellows Road with the Route 460 Bypass.
 - Improvements in the Route 460 and Candler's Mountain Road area.
 - Development of routing alternatives using US-460 for the portion of the US-29 Bypass south of the James River including an Oddfellows Road interchange.
 - Upgrading of US-501 in Bedford and Campbell Counties.

Public Transportation

- Preserve state funding for Public Transportation
- The state should approve a public-private partnership for preliminary engineering on the Trans-Dominion Express Passenger Rail Service, and develop a Memorandum of Understanding with Norfolk Southern.

F. Economic Development

Workforce Training

- Maintain funding for workforce re-training through appropriate agencies.

G. Community Development

Urban Revitalization

- Support legislation encouraging city revitalization and redevelopment.

Preserve and Expand Tax Credit Programs that Benefit Cities Redevelopment

- Maintain Enterprise Zones as a tax credit (not grant) program and increase flexibility for use in downtown revitalization.
- Retain the Historic Tax Credit Program as tax credit program.

Zoning and Land Use

- Retain Local Zoning and land use authority. Retain local authority to use by right special exceptions and special use permits to meet the individual needs of communities.
- Require all localities to include housing for all income levels in their comprehensive plans.
- Oppose legislation that would require localities to treat manufactured homes as single-family homes and allow them by right in all single-family districts. This legislation would preempt the City's zoning ordinance eroding local authority.
- Oppose legislation that would allow state agencies to circumvent local comprehensive plans and land use regulation in the citing of state or telecommunication facilities

Abandoned/Neglected Properties

- Continue to support legislation to make it more efficient and cost effective for local governments and citizens to reduce blighted properties.
- Support changes that continue to streamline the tax sale process on tax delinquent property while preserving reasonable protections for property owners.

Exemption of Religious Organizations from Local Ordinances

- Oppose any state legislation that would exempt churches and other religious organizations from neutral, generally applicable local ordinances, and in particular, local health, safety and zoning ordinances.

H. Education

Educational Funding

- Fully fund the Standards of Quality (SOQ)
- Retain funding for at-risk incentive programs and pre-K funding
- Fully fund education at \$1.4 Billion, incorporating all JLARC education funding study recommendations, including correcting flaws in the composite index to make it a more accurate measure of local ability to fund education.

Staffing

- Support increased state funding for teacher compensation.
- The state should pay for mandated increases in teacher salaries or benefits on a full not partial fiscal year basis. The state should not reduce retirement benefits for teachers, or shift those costs to local governments.
- The state should be responsible for all costs of providing any new mandated teaching positions.
- School Resource Officers--Support legislation that enhances school division's efforts to maintain discipline and safe school environments by providing funding for school resource officers.
- Support state incentives to encourage students to consider teaching as a career and to keep teachers trained in Virginia colleges in the Commonwealth.

School Construction

- Include the cost of school construction and renovation projects in the Standards of Quality.
- Restore funds transferred out of the Literary Fund to reduce the budget shortfall in 2002. (The Literary Fund is a state loan fund to assist with the renovation and construction of public school buildings)

Truancy

- Eliminate expensive administrative Code requirements regarding truancy since funding for the program was eliminated.

Alternative Education Programs

- Retain funding for alternative education.

I. Employee Relations and Training

Heart/Lung and Cancer Presumption

- Support local government initiatives amending the presumption statute to restore balance to the rebuttal process.

Unless a balance is restored:

- Oppose extending the presumption to salaried and volunteer EMT's and lifesaving and rescue squads.
- Oppose expansion of cancers covered by presumption statute.

Meet and Confer

- Oppose meet and confer and binding arbitration legislation for local employees.

Binding Arbitration

- Oppose legislation that encourages binding arbitration, meet and confer requirements, and imposed grievance procedures for local employees.

Employee Retirement and Benefits

- The General Assembly should refrain from the transfer of funds out of the Virginia Retirement Fund and into the General fund to solve current budget problems.